



APRB

AF/2675
IJE

Docket No.: P-0216

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCE**

In re Application of

Confirmation No.: 6826

Sun Jin PARK

Group Art Unit: 2675

Serial No.: 09/853,668

Examiner: Chanh Nguyen

Filed: May 14, 2001

Customer No.: 34610

For: METHOD AND APPARATUS FOR ADJUSTING A BRIGHTNESS OF A
DISPLAY SCREEN

REPLY BRIEF

U.S. Patent and Trademark Office
220 20th St. S.
Customer Window, Mail Stop Appeal Brief-Patents
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Examiner's Answer dated November 2, 2004, Appellant provides the following comments:

At page 2, point (7) of the Examiner's Answer, the Examiner states that "[t]he rejection of claims 14-18, 24-28, 32-37, 43-47, 55-56 and 59-62 stand or fall together because Appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof." However, at pages 4-5 of the Appeal Brief, Appellants provide groupings of the claims. Further, at pages 7-12 of the Appeal Brief, Appellants provide arguments in support of the particular groupings in the response to the rejections thereof.

Accordingly, the Examiner's grouping of the claims at page 2, point (7) of the Examiner's Answer is inaccurate.

Regarding the Examiner's Response to Argument at page 6, point (11) of the Examiner's Answer, the Examiner argues that "Hetzler determines not only determining whether to enter a power-save mode based on recent access history...but also determining whether to enter a power-save mode based on key strokes or moving the pointing device," referring to column 8, lines 8-13. However, as previously argued, column 8, lines 1-29 are not directed to a different embodiment, but rather an explanatory disclosure directed to how the Hetzler device determines access history. The access history is then utilized statistically to determine when to exit and enter the power save mode in anticipation of the beginning and end of the periodic access.

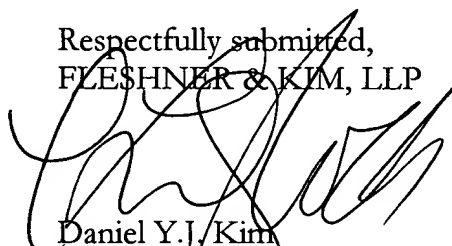
The Examiner then argues that "the claimed 'whether certain display related process are running' is so broad that it can read on process of power saving mode using keystrokes or moving the pointing device in Hetzler even [if] the process is in the access history" and "[t]he claims do not require 'the certain display related process being independent from the access history'." However, the verb "is running" is in the present progressive tense. As any English book will explain, the present progressive tense is used to show "action in progress." Thus, the claimed language "whether certain display related processes are running" means whether the certain display related process are currently running. Thus, a statistical analysis of access history is unrelated to whether certain display related processes are running currently.

At page 8 of the Examiner's Answer, the Examiner states that "[A]ppellant has failed to address how the reference differs from the claim and simply represents what the reference of Zenda discloses." However, Appellant argues in the Appeal Brief that "Zenda is merely cited [by the Examiner] for detecting low battery state and controlling the luminance based on low battery state, and thus does not overcome the deficiencies of Hetzler, discussed [] with respect to independent claims 14 and 33, from which they depend, respectively, as well as for their added features."

Regarding withdrawn claims 1-13, 19-23, 29-31, 38-42, 48-54, and 57-58, it is noted that the Patent Office has not yet responded to Appellant's Petition filed August 6, 2004 requesting rejoinder and consideration of these improperly withdrawn claims.

For the above reasons, in addition to the reasons set forth in the Appeal Brief filed August 2, 2004, prompt withdrawal of the rejections set forth in Final Rejection dated February 23, 2004, and allowance of the application are earnestly solicited.

Respectfully submitted,
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